

WILMERHALE

July 21, 2025

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Hon. P. Kevin Castel
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Whalen v. Epiq Systems, Inc., et al.*, No. 25-cv-04499-PKC

Dear Judge Castel:

On behalf of all Parties in the above action and pursuant to Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure and Section 1.C of this Court's Individual Practices in Civil Cases, Plaintiff Mary Jane Whalen and Defendants Epiq Systems, Inc. ("Epiq"), Angeion Group LLC ("Angeion"), JND Legal Administration ("JND"), The Huntington National Bank ("Huntington"), and Western Alliance Bank ("Western Alliance") (together with Plaintiff, the "Parties") write jointly to respectfully request that the Court: (1) adjourn the Initial Pretrial Conference set for July 30, 2025, to a date convenient for the Court at least 14 days after all Defendants respond to Plaintiff's Complaint; and (2) extend the deadline for all Defendants to respond to Plaintiff's Complaint to a unified response date of September 5, 2025—or, alternatively, if Plaintiff files an amended complaint before September 5, then 45 days after Plaintiff files such complaint. The July 30, 2025, conference is the next conference scheduled before the Court, with a joint letter due by July 23, 2025. Dkt. 15 ¶¶ 1, 2.

The Parties have not previously sought an adjournment of the Initial Pretrial Conference or any extension of the time to respond to the current Complaint. All Parties jointly seek the relief requested here. Good cause exists for this joint motion, which is sought in the interests of judicial efficiency and economy, including the Parties' ongoing discussions about how this case and four substantially similar cases pending in other federal courts should proceed.

This case is one of five putative class actions currently pending in four different federal courts brought against multiple settlement administrators and financial institutions. These cases involve substantially similar allegations, claims, and defendants. A brief procedural history of the cases follows:

- On April 24, 2025, Tyler Baker filed a putative class-action complaint in the United States District Court for the Eastern District of Pennsylvania against Angeion, Epiq, and JND. *See Baker v. Angeion Group et al.*, 2:25-cv-02079 (E.D. Pa.).

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- On May 28, 2025, Mary Jane Whalen, Monica Meiloaica, and Chasom Brown filed a putative class-action complaint in the United States District Court for the Northern District of California against Epiq, Angeion, JND, Huntington, and Western Alliance. *See Whalen et al. v. Epiq Systems et al.*, 3:25-cv-04522 (N.D. Cal.) (“*Whalen 1*”).
- The next day (May 29, 2025), Ms. Whalen filed the putative class-action Complaint in this Court, again against Epiq, Angeion, JND, Huntington, and Western Alliance. *See* Dkt. 1 (“*Whalen 2*”). That same day (May 29), Roger Tejon filed a putative class action complaint in the Southern District of Florida against the same defendants. *See Tejon v. Epiq Systems et al.*, 1:25-cv-22453 (S.D. Fla.).
- On June 5, 2025, Nicole Rieger filed a putative class action complaint in the Northern District of California against Epiq, Angeion, JND, Kroll Settlement Administration (“Kroll”), Huntington, and Western Alliance. *See Rieger v. Epiq Systems et al.*, 3:25-cv-04793 (N.D. Cal.).
- On June 13, 2025, Mr. Baker, and newly named plaintiff Lauren Wolf, filed an amended putative class action complaint in *Baker*, which also added as defendants Tremendous LLC, Blackhawk Network Holdings, Inc., Digital Settlement Technologies LLC, Huntington, and Western Alliance. *See Baker*, 2:25-cv-02079 (E.D. Pa.).
- On July 7, 2025, the court in *Whalen 1* (Corley, J.) found *Rieger* to be related to *Whalen 1*, and therefore ordered that *Rieger* be reassigned as a related case.

Thus, at this time, the cases remain pending before four different judges in four different courts—namely, this Court (Castel, J.), the Northern District of California (Corley, J.), the Eastern District of Pennsylvania (Hodge, J.), and the Southern District of Florida (Williams, J.).

Plaintiff and Defendants have been engaged in ongoing discussions about how these substantially similar cases should proceed. In an effort to narrow potential issues that might require judicial resolution, the Parties have discussed whether and how the respective plaintiffs may seek to coordinate or consolidate their cases.

The Parties are working cooperatively and in good faith, but discussions are ongoing and the respective plaintiffs at this time have not yet finalized their position about how these cases should proceed. Accordingly, for Defendants, there remains substantial procedural uncertainty at this early stage—existing jurisdictions may change and existing complaints could be rendered moot through amended complaints.

Meanwhile, the current schedule in this case calls for the Parties to submit a joint letter to the Court on July 23, in advance of an Initial Pretrial Conference set for July 30. The current deadlines for Defendants to respond to the Complaint are staggered—Epiq, Angeion, and JND

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must respond by August 11; Huntington, by September 2; and Western Alliance, by September 5. To the extent that the defendants have been served or accepted service, the deadlines are also staggered in the other pending cases, with current response dates in August and September.

Based on the foregoing, the Parties respectfully submit that good cause exists to:

1. adjourn the Initial Pretrial Conference scheduled for July 30 until 14 days after all Defendants respond to Plaintiff's Complaint; and
2. extend the deadline for all Defendants to respond to the current Complaint to a unified date of September 5—or, alternatively, if Plaintiff files an amended complaint before that date, then 45 days after Plaintiff files that complaint.

The Parties have conferred and jointly agree that this relief would aid in their discussions around how to most efficiently proceed. Similarly, an extended response deadline for all Defendants to respond to Plaintiff's Complaint would promote judicial efficiency and economy, establishing a unified schedule for all Defendants.

The Parties intend to file substantially the same motions in the other cases requesting that each court similarly adjourn any existing case management conferences and align Defendants' response deadlines.

As noted, this is the Parties' first request for an extension of time in this case. It is not sought for the purposes of delay, and it will not prejudice any party.

Respectfully submitted,

/s/ Denis R. Hurley

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CERTIFICATE OF SERVICE

I, Denis R. Hurley, hereby certify that, on July 21, 2025, I caused the foregoing Disclosure Statement to be filed via the Court's Case Management/Electronic Case Files (CM/ECF) system, and that all CM/ECF users will be served electronically by the CM/ECF system.

I further certify that a copy of the foregoing document was mailed via First Class Mail to the parties listed below:

- Franco A. Corrado, Morgan, Lewis & Bockius LLP, 2222 Market Street, Philadelphia, PA 19103-3007 (Counsel for Angeion Group LLC)
- George E. Mastoris, Winston & Strawn LLP, 200 Park Avenue, New York, NY 10166 (Counsel for Huntington National Bank)
- Kyle W. Mach, Sullivan & Cromwell LLP, 550 Hamilton Avenue, Palo Alto, CA 94301-2010 (Counsel for Western Alliance Bank)

Date: July 21, 2025

/s/ Denis R. Hurley

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